

polynucleotides encoding a fusion protein comprising a Her2/neu extracellular domain and a phosphorylation domain. New claims 93-116 correspond to the original polynucleotide claims of Group II. For the purpose of searching, Applicants also elect the species corresponding to a polynucleotide encoding a fusion protein comprising a full length extracellular domain. The foregoing elections are made with traverse.

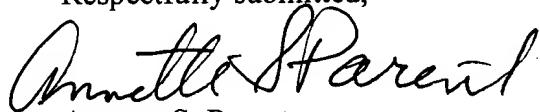
Restriction of an application is discretionary, and a restriction requirement is made only to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits, even though they are directed to independent and distinct inventions. MPEP § 803.01. Applicants respectfully submit that examining the claims of Groups I-XI would not place and undue burden on the Examiner.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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